

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL JOSEPH JACOBSON,

Defendant.

CR-04-35-M-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on December 11, 2024. (Doc. 505.) Michael Jacobson (Jacobson) filed an objection on December 19, 2024. (Doc. 506.) The Court reviews de novo findings and recommendations to which a party objects. 28 U.S.C. § 636(b)(1).

Judge Johnston conducted a revocation hearing on December 10, 2024. (Doc. 504.) The United States accused Jacobson of violating his conditions of supervised release by: (1) failing to report for random substance abuse testing on October 19, 2024, and October 23, 2024; (2) testing positive for methamphetamine and marijuana on October 23, 2024; (3) failing to report for

individual substance abuse treatment on October 30, 2024; (4) failing to report for individual substance abuse treatment on November 5, 2024; (5) failing to report for substance abuse testing on November 12, 2024, and failing to comply with substance abuse testing on November 15, 2024; and (6) being in possession of dangerous weapons on November 15, 2024 . (Docs. 494 and 502.)

At the revocation Jacobson admitted to having violated the conditions of his supervised release by: (1) failing to report for random substance abuse testing on October 23, 2024; (2) testing positive for methamphetamine and marijuana on October 23, 2024; (4) failing to report for individual substance abuse treatment on November 5, 2024; and (5) failing to report for substance abuse testing on November 12, 2024, and failing to comply with substance abuse testing on November 15, 2024. The government moved to dismiss allegations (3) and (6), which Judge Johnston granted. (Doc. 504.) Judge Johnston found the violations are serious and warrants revocation of Jacobson's supervised release. Judge Johnston recommended Jacobson be incarcerated for 4 months, with 122 months of supervised release to follow with the first 60 days of supervised release, spent in a secure in-patient substance abuse treatment facility such as Connections Corrections. This sentence will run concurrently with CR-18-72-GF-BMM.. (Doc. 505.) Jacobson was advised of his right to appeal and right to allocute before the undersigned. (Doc. 504.)

Jacobson now opposes Judge Johnston's Findings and Recommendations, objecting to Judge Johnston's recommended sentence. (Doc. 506.)

The Court has reviewed Judge Johnston's Findings and Recommendations as well as Jacobson's objection. The undersigned conducted a revocation hearing on January 15, 2025. (Doc. 508.) Jacobson and his attorney were allowed to allocute before the undersigned. (*Id.*) The Court has also considered the 18 U.S.C. § 3553(a) factors and agrees with Judge Johnston's Findings and Recommendations in part.

Jacobson's violations of his conditions of supervised release represent a serious breach of the Court's trust. This violations prove serious. Judge Johnston has recommended that the Court revoke Jacobson's supervised release and commit her to the custody of the Bureau of Prisons for 3 months. (Doc. 505.) Judge Johnston further recommended 122 months of supervised release to follow, with the first 60 days of supervised release, spent in a secure in-patient substance abuse treatment facility such as Connections Corrections. (*Id.*) Accordingly,

IT IS HEREBY ORDERED that Jacobson's objection is denied in part. Judge Johnston's Findings and Recommendations, (Doc. 505) are ADOPTED IN PART.

IT IS FURTHER ORDERED that Defendant Michael Joseph Jacobson be sentenced to the custody of the Bureau of Prisons for 4 months, with 44

months of supervised release to follow with the sentence to run concurrently with the sentence in CR-18-72-GF-BMM. During the first 60 days of supervised release, Jacobson shall be placed in a secure in-patient substance abuse treatment facility such as Connections Corrections.

DATED this 15th day of January 2025.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court